

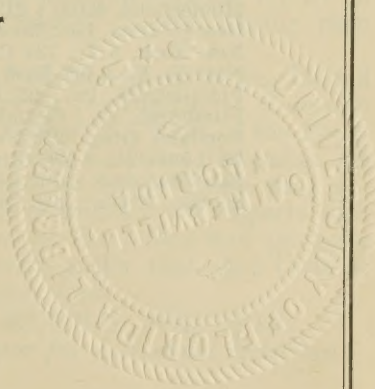
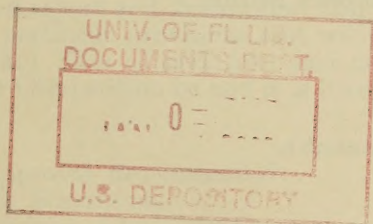
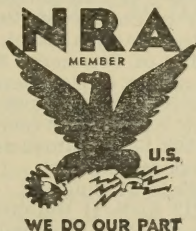
NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

ROBE AND ALLIED
PRODUCTS INDUSTRY

AS APPROVED ON JANUARY 16, 1934



UNITED STATES
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Approved Code No. 211

CODE OF FAIR COMPETITION
FOR THE
ROBE AND ALLIED PRODUCTS INDUSTRY
As Approved on January 16, 1934

ORDER
APPROVING CODE OF FAIR COMPETITION
FOR THE
ROBE AND ALLIED PRODUCTS INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Robe and Allied Products Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval Recommended:
A. D. WHITESIDE,
Division Administrator.
WASHINGTON, D.C., *January 16, 1934.*

The PRESIDENT,
The White House.

SIR: This is a report of the Hearing on the Code of Fair Competition for the Robe and Allied Products Industry, conducted in Washington on August 17, 1933, in accordance with the provisions of the National Industrial Recovery Act.

PROVISIONS FOR HOURS AND WAGES

This Code limits the hours of labor for all employees, except watchmen, outside salesmen, maintenance men, repair shop crews, and persons employed in a supervisory capacity earning not less than thirty-five dollars per week, to forty hours per week. Provision is made that in the case of office employees and shipping crews the employees shall not be held rigidly to forty hours per week; during sixteen weeks of the year they may be employed for forty-eight hours, provided that during an entire calendar year the average number of hours worked by such employees shall not be more than forty hours per week. The industry is limited strictly to one shift.

The minimum wage provided is thirteen dollars per week for all employees except apprentices who shall earn at least seventy-five percent of the minimum wage and persons physically handicapped. The employment of both types of workers is subject to strict regulation.

ECONOMIC EFFECT OF THE CODE

So far as may be determined by the meager statistics available for this industry, there is at present, if we discount the current slump, little or no unemployment. Probably because of the vogue during recent years for lounging garments the number of workers increased from 6,918 in 1929 to 10,670 in 1931, and it is probable that the number of workers now employed is greater than the number employed in 1931. According to the estimate of the Planning and Research Division the forty-hour week will require a twenty percent increase in employment to maintain production.

Practically no information regarding earnings is available, and in consequence no estimate may be made of the effect of the thirteen-dollar minimum on present earnings. This minimum wage will afford some measure of protection for the lower grades of employees and, in certain portions of the industry, bring about perhaps a material increase in pay rolls. The most significant pay-roll increase, however, will be attributable to the reduction in hours rather than to any increase in wages which this Code may necessitate.

FINDINGS

The Deputy Administrator in his final report to me on said Code having found as herein set forth and on the basis of all the proceedings in this matter;

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that the said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Code.

For these reasons the Code has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JANUARY 16, 1934.

CODE OF FAIR COMPETITION

FOR THE

ROBE AND ALLIED PRODUCTS INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Robe and Allied Products Industry, and shall be the standard of fair competition for such industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

1. The term "industry" as used herein includes the manufacture of bath, lounging, and beach robes, dressing gowns, lounge suits and house coats and such other articles as may from time to time be included under the provisions of this Code by the President after such notice and hearing as he may prescribe.

2. The term "employee" as used herein includes anyone engaged in the industry in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation.

3. The term "employer" as used herein includes anyone by whom such employee is compensated or employed.

4. The term "member of the industry" includes anyone engaged in the industry, either as manufacturer, submanufacturer, or contractor.

5. The terms "President", "Act", and "Administrator" as used herein shall mean, respectively, the President of the United States, the National Industrial Recovery Act, and the Administrator of Title I of said Act.

ARTICLE III—HOURS

1. Except as hereinafter provided no employee shall be permitted to work in excess of forty (40) hours in any one week nor more than eight (8) hours in any twenty-four (24) hour period.

2. No person employed in clerical or office work, or in shipping departments, or stock rooms, unless he is employed in a managerial, supervisory, or executive capacity and earns not less than thirty-five dollars (\$35.00) per week, shall be permitted to work in excess of forty (40) hours per week, nor more than eight (8) hours in any twenty-four (24) hour period, except that such employees may be permitted to work forty-eight (48) hours per week during a maximum of sixteen weeks in any calendar year, provided that in

any calendar year the total number of hours worked by any such employee shall not exceed an average of forty (40) hours per week.

3. No watchman shall be permitted to work in excess of fifty-six (56) hours in any one week.

4. The provisions of this article shall not apply to outside salesmen or to maintenance men or repair shop crews.

5. No member of the industry shall operate any machine employed in the industry on a schedule of more than one shift of forty (40) hours in any one week, except that for a limited time or times due to an emergency arising through accident or similar cause, the Code Authority may, upon the express approval of the Administrator, and upon such conditions as he may prescribe, authorize the operation of machines on a schedule of more than one shift of forty (40) hours per week.

6. No employee, except such employees as are enumerated in Sections 2, 3, and 4 of this Article, shall be permitted to work more than five (5) days in any seven (7) day period.

7. No member of the industry shall knowingly engage any employee for any time which when totaled with that already performed with another member or members of the industry exceeds the maximum permitted herein.

ARTICLE IV—WAGES

1. Except as hereinafter provided, no employee shall be paid at less than at the rate of thirteen (\$13.00) dollars per week of forty (40) hours, or 32½ cents per hour.

2. This Article establishes a minimum rate of pay which shall apply, irrespective of whether an employee is actually compensated on a time-rate, piecework, or other basis.

3. Subject to review by the Code Authority and by the Administrator, the weekly compensation for employees now in excess of minimum wages herein provided shall not be reduced, notwithstanding that the hours of work in any such employment may be hereby reduced to forty (40) hours per week and piece rates shall be so adjusted that the earnings at said piece rates shall at least be equivalent to those obtaining under the longer hours heretofore prevailing.

4. Persons learning an occupation shall be paid not less than seventy-five (75%) percent of the minimum wage which prevails in such occupation, provided that the number of such learners shall not exceed five (5%) percent of the manufacturing employees of any one employer and that learners shall not be employed as such for a period in excess of six (6) weeks, irrespective of whether they are employed by one or more employers. If the operation at which any learner is engaged has a piecework rate and the amount earned at such rate by such learner is more than seventy-five (75%) percent of the minimum wage which prevails in such occupation, such learner shall be paid on a piece-rate basis.

5. A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage below the minimum established by this Code if the employer

obtains from the Code Authority a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. The Code Authority shall be guided by the instructions of the United States Department of Labor in issuing certificates to such persons, and shall file with the Administrator a record of all such certificates issued and such other information as the Administrator may require.

ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under sixteen (16) years of age shall be employed in the industry.

2. Employees shall have the right to organize and bargain collectively, through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

3. No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing.

4. Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

5. No employer shall reclassify employees or duties of occupations performed for the purpose of defeating the provisions of the Act or of this Code.

6. All members of the industry shall provide for the safety and health of their employees. Standards of safety and health shall be submitted by the Code Authority to the Administrator within six (6) months after the effective date of this Code.

7. No provision in this Code shall supersede any law within any State which imposes more stringent requirements on employers as to age of employees, wages, hours of work, or as to safety, health, or sanitary regulations, or insurance, or fire protection, or general working conditions, than are imposed by this Code.

8. All members of the industry shall post complete copies of Article III, IV, and V of this Code in conspicuous places accessible to employees.

9. Home work is strictly prohibited.

10. No provision in this Article shall modify established practices or privileges as to vacation periods, leaves of absence, or temporary absences from work heretofore granted to office employees.

11. Any member of the industry who at any time shall manufacture any merchandise subject to the provisions of this Code shall be bound by all the provisions of this Code as to all employees engaged in whole or part of such manufacture. In case any employee shall be engaged partly in such manufacture and partly in manufacture of goods of another character, this Code shall apply to each portion of such employee's time as is applied to the manufacture of articles subject to the provisions of this Code.

12. All manufacturers or jobbers who cause their merchandise to be made by contractors shall adhere to the payment of rates for such production in an amount sufficient to enable the contractor to pay his employees the wages provided in this Code and in addition a reasonable payment to the contractor to cover overhead.

ARTICLE VI—ADMINISTRATION

1. A Code Authority is hereby constituted to cooperate with the Administrator in the administration of this Code.

2. Said Code Authority shall consist of not more than twelve (12) members, to be selected in the manner hereinafter set forth:

(a) Seven (7) members shall be appointed by the Robe Industry Association of America, Inc., subject to the approval of the Board of Directors of said Association and to the approval of the Administrator.

(b) Two (2) members shall be elected by the contractors of this industry, subject to the approval of the Administrator. Each such member shall be a recognized and bona fide contractor and shall be elected by a majority vote of all contractors in the industry. The Administrator shall supervise said election.

(c) In addition to the foregoing, the Administrator may appoint not more than three (3) additional members to represent the Administrator or such other interests or groups as may be determined upon. Should the Administrator appoint a member, or members, to represent the Administrator, such member, or members, shall serve without expense to the industry.

3. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

4. In order that the Code Authority shall at all times be truly representative of the industry and in other respects comply with the provisions of the Act, the Administrator may provide such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Code Authority.

5. Only members of the industry assenting to this Code shall be entitled to share the benefits of the activities of the Code Authority as hereinafter set forth.

6. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Authority. Nor shall any member of the Code Authority be liable to anyone for any action or omission to act under the Code, except for his willful misfeasance or nonfeasance.

7. The Code Authority shall have the following powers and duties to the extent permitted by the Act, and subject to the right of the Administrator on review to disapprove any action taken by the Code Authority.

(a) To adopt a constitution, bylaws, and rules and regulations for its procedure and for the administration and enforcement of this Code, and to submit the same to the Administrator for his approval, together with true copies of any amendments or additions when made thereto, minutes of meetings when held, and such other information as to its activities as the Administrator may require.

(b) To insure the execution of the provisions of this Code and to provide for the compliance of the industry with the provisions of the act.

(c) To create such individual agencies as may be deemed necessary or desirable to assist in the administration of this Code.

(d) To obtain through a confidential agency from the members of the industry reports, statistics, and other information for the use of the Code Authority and the Administrator in the administration and enforcement of this Code, and for the information of the President, and to give assistance to members of the industry in improving methods, or otherwise. Members of the industry shall furnish to the Code Authority such duly certified reports as may be required as aforesaid.

(e) To set up, with the approval of the Administrator, a uniform cost accounting system for each division or subdivision of the industry. Any member of the industry shall have the privilege of continuing any cost system now in use or of instituting a new cost system suitable and adapted to his particular needs, provided that the selling price arrived at by the use of any such system shall not be less than the cost of that particular article which would be arrived at by the use of the uniform cost system recommended by the Code Authority, and approved by the Administrator.

(f) To receive complaints of violations of this Code, make investigations thereof, provide hearings thereon and adjust such complaints, and bring to the attention of the proper authorities for prosecution, recommendations and information relative to unadjusted violations.

(g) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein and to pay such trade associations and agencies the cost thereof, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(h) To coordinate the administration of this Code with such other Codes, if any, as may be related to the industry, or any subdivision thereof, and to delegate to any other administrative authority, with the approval of the Administrator, such powers as will promote joint and harmonious action upon matters of common interest.

(i) To secure an equitable and proportionate payment of the expenses of maintaining the Code Authority and its activities from those members of the industry accepting the benefits of the activities of the Code Authority or otherwise assenting to this Code.

(j) To establish or designate an agency on planning and fair practice which shall cooperate with the Code Authority in developing fair trade practices and industrial planning, including the regularization and stabilization of employment for the industry.

(k) To initiate, consider, and make recommendations for the modification or amendment of this Code.

(l) To assist in the adjustment of disputes between members of the industry.

(m) To study the subject of manufacturer-contractor relations and to make from time to time to the Administrator such recommendation thereon as will contribute to the stability of manufacturer-contractor relations.

8. To assist in the administration and enforcement of this Code, the Administrator may direct that the Code Authority establish a **JOINT INDUSTRIAL RELATIONS BOARD** consisting of an equal number of representatives of employers and employees and an impartial chairman elected by the members of the Board, to investigate all matters in the Code relating to hours, wages and general labor provisions and to report their findings and recommendations to the Code Authority. The designated employee representatives shall be truly representative of the employees in this industry and shall be selected by such employees.

9. In addition to the information required to be submitted to the Code Authority as set forth in this Article, there shall be furnished to government agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the National Industrial Recovery Act.

10. An appeal from any action by the Code Authority affecting the rights of any employer or employee in the industry may be taken to the Administrator.

ARTICLE VII—N.R.A. LABEL

1. All merchandise manufactured subject to the provisions of this Code shall bear an N.R.A. label to symbolize to purchasers of said merchandise the conditions under which it has been manufactured.

2. Under the powers vested in the Administrator by Executive Order of October 14, 1933, and under grant of the necessary authority by him, the Code Authority shall have the exclusive right in this industry to issue and sell said labels to the members thereof.

3. Each label shall bear a registration number especially assigned to each member of the industry by the Code Authority, and shall remain attached to all such merchandise when sold to the retail distributor.

4. Any and all members of the industry may apply to the Code Authority for a permit to purchase and use such N.R.A. label, which permit shall be granted to them, but only if and so long as they comply with this Code.

5. Subject to the approval of the Administrator, the Code Authority shall establish rules and regulations and appropriate machinery for the issuance and sale of labels and the inspection, examination, and supervision of the practices of members of the industry using such labels for the purposes of ascertaining the right

of such members of the industry to the continued use of said labels; of protecting purchasers in relying on said labels; and of insuring to each individual member of the industry that the symbolism of said label will be maintained by virtue of compliance with the provisions of this Code by all other members of the industry using said label.

6. The charge made for such labels by the Code Authority shall at all times be subject to supervision and orders of the Administrator.

ARTICLE VIII—TRADE PRACTICES

1. The maximum terms of discounts on sales made by members of the industry after January 29, 1934, shall be six percent (6%) ten (10) days, E.O.M. on merchandise made for men and boys, and eight percent (8%) ten days E.O.M. on merchandise made for women, girls, and infants, anticipation to be permitted at the rate of six percent (6%) per annum. For this purpose, any shipment made on or after the twenty-fifth (25th) day of the month may be considered made as of the first day of the following month. There shall be no post dating except that as to any merchandise sold for Fall consumption and shipped by a member during the months of July or August, dating as of the following September first, but no later, may be granted.

2. Members of the industry shall sell all merchandise f.o.b. regular point of shipment, except that merchandise may be sold delivery free within a radius of fifty (50) miles of any city, town, or village from which shipment is regularly made.

In any instance where a member of the industry ships from a warehouse located in a city, town, or village other than his regular point of shipment, such merchandise shall be sold upon either one of the following alternative bases:

(a) At a discount lower than otherwise ordinarily charged by an amount sufficient to repay to the member the transportation charges on such merchandise between said regular point of shipment and said warehouse. If a lowering of discount shall be insufficient to wholly repay said transportation charges to the member, any balance thereof remaining unpaid shall be charged to the customer.

(b) At the regular discount but at a price higher than ordinarily charged by an amount sufficient to repay to the member said transportation charges between said points.

3. No gratuities to purchasers or prospective purchasers, or their agents, of any nature whatsoever, shall be offered or paid by any member of the industry directly or indirectly; nor shall any purchasing, selling, or brokerage commission or compensation or gratuity, of any nature whatsoever, be offered or paid by any member of the industry, directly or indirectly, to any person, except a person regularly employed on the sales staff of such member.

4. No member of the industry shall, directly or indirectly, enter into any agreement, express or implied, to pay any rebate to anyone. Commencing as of February 1st, 1934, no member shall, directly or indirectly, pay any rebate to anyone, irrespective of the date of any agreement to pay such rebate.

5. No member of the industry shall ship merchandise on consignment or memorandum.

6. Merchandise covered by the provisions of this Code sold and delivered by members of the industry in substantial compliance with an order or contract shall not be accepted by such members for return. No member of the industry shall sell any merchandise on approval or with the privilege to return.

7. No member of the industry shall knowingly withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

8. No member of the industry shall pay directly or indirectly any part of the advertising expenses of any purchaser, prospective purchaser, or their agents; nor shall any member of the industry directly or indirectly furnish either partly or wholly gratis to any purchaser, prospective purchaser, or their agents any literature or printed matter for redistribution or any premiums (whether or not in the form of merchandise), excepting window cards, monograms, jobbers' selling kits, newspaper cuts and mats.

9. No member of the industry shall publish advertising (whether printed, radio, display, or of any other nature) which is misleading or inaccurate in any material particular, nor shall any member in any way misrepresent any merchandise (including but without limitation its use, trade mark, grade, quality, quantity, origin, size, substance, character, nature, finish, material, content, or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted.

10. No member of the industry shall brand or mark or pack any merchandise in any manner which is intended to or does deceive or mislead purchasers with respect to the brand, grade, quality, quantity, origin, size, substance, character, nature, finish, material content, or preparation of such merchandise.

11. No member of the industry shall publish advertising which refers inaccurately in any material particular to any competitors or their merchandise, prices, values, credit terms, policies, or services.

12. No member of the industry shall publish or circulate unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harassing competitors or intimidating their customers.

13. No member of the industry shall give, permit to be given, or directly offer to give anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal, or party.

14. No member of the industry shall sell any merchandise subject to the provisions of this Code at a price below his own individual cost as computed by the uniform cost system provided in Article VI, Section 7 (e) of this Code; provided, however, that a member of the industry may sell at a price below his own individual cost in order to meet the competition of another member who is not himself selling at a price below his own individual cost. This rule shall not apply to bona fide seasonal clearance sales or to the sale of imperfect

or actually damaged or distressed merchandise; subject to the approval of the Administrator, the Code Authority may establish regulations to govern such sales.

ARTICLE IX—MODIFICATION

1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the National Industrial Recovery Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under Title I of said Act and specifically, but without limitation, to the right of the President to cancel or modify his approval of this Code or any conditions imposed by him upon his approval thereof.

2. This Code, except as to provisions required by the Act, may be modified on the basis of experience or changes in circumstances, such modification to be based upon application to the Administrator, and such notice and hearing as he shall specify, and to become effective on approval by the Administrator.

ARTICLE X—MONOPOLIES, ETC.

No provision of this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

ARTICLE XI—PRICE INCREASES

Whereas the policy of the Act to increase real purchasing power will be made impossible of consummation if prices of goods and services increase as rapidly as wages, it is recognized that for the present price increases should be delayed, but when made such increases should, so far as possible, be limited to actual additional increases in the seller's costs.

ARTICLE XII—EFFECTIVE DATE

This Code shall become effective on the second Monday after approval.

Approved Code No. 211.

Registry No. 204-1-02.

